

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Amend claim 1, without prejudice or disclaimer.
2. Cancel claim 5, without prejudice or disclaimer.
3. Respectfully traverse all objections and rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 1 and 34-35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0067520 to Inoue et al. (“Inoue”). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue and further in view of U.S. Patent No. 6,783,215 to Yoshida et al. (“Yoshida”). Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue and further in view of U.S. Patent No. 6,805,437 Yamanaka et al. (“Yamanaka”). Claim 5 stands objected-to as not being in compliance with the requirements of 37 C.F.R. 1.121(c). The objection and all prior art rejections are respectfully traversed. Without acquiescing in the objection or the rejections, claim 1 has been amended and claim 5 has been canceled. The following discussion is directed to the claims in their current form.

Claim 5 stands objected-to as having been incorrectly identified as “(Currently Amended).” March 18, 2008 Office Action at 2. The objection states that claim 5 should have been identified as “(Withdrawn – Currently Amended).” *Id.* However, Applicants have not withdrawn claim 5 from consideration, but instead elected claim 5 for prosecution in this case. *See* August 28, 2007 Office Action; September 19, 2007 Election.

Because Applicants did not withdraw claim 5, and because claim 5 (as amended in the January 7, 2008 Amendment) has not been otherwise objected-to or rejected, Applicants have amended claim 1 to include, with certain editorial changes, the features recited in claim 5. Applicants have also canceled claim 5.

YOSHIMURA ET AL.
Appl. No. 10/550,275
June 17, 2008

Reconsideration and withdrawal of the objection to claim 5 are respectfully requested.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /H. Warren Burnam, Jr./
 H. Warren Burnam, Jr.
 Reg. No. 29,366

HWB:ewm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100